



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,791	10/27/2000	Gregory L. Slaughter	5181-6500	6698

7590	07/26/2007
ATTN: ROBERT C. KOWERT	
CONLEY, ROSE, & TAYON, P.C.	
P.O. BOX 398	
AUSTIN, TX 78767-0398	

EXAMINER	
CARLSON, JEFFREY D	

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
07/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/698,791	Applicant(s) SLAUGHTER ET AL.	
	Examiner Jeffrey D. Carlson	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-25,27-34,36-49,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-25,27-34,36-49,51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the paper(s) filed 5/16/07.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 8, 10-18, 20-24, 26-32, 36-42, 44-48, 51, 52 are rejected under 35 U.S.C. 102(a and/or b) as being anticipated by cswl.com – upnp-devices "(UPnP, Jini and Salutation - A look at some popular coordination frameworks for future networked devices", June 1999 whitepaper, <http://cswl.com/whitepapers/upnp-devices.html>).

Regarding claims 1-4, 7, 8, 10-14, 16, 17, 20-24, 27-32, 36-41, 44-48, 51, 52, cswl.com – upnp-devices teaches several device discovery techniques including Universal Plug and Play (upnp) which uses SSDP for enabling devices on a network to announce their presence to the network as well as discover available devices. This can be done by communication through specially formatted messaging with a lookup service. A service (space) that joins the network announces its presence and registers itself (a URI and an XML file describing its abilities) with the lookup service. A client thereafter looking to discover available services makes an OPTIONS request query which is detected by the lookup service (listening agent) which responds with an

indication (advertisement) representing a matched service/space. The device can then access the service/space if desired. The identification/advertisement of a matching service (space) discovered by way of the lookup service (listening agent) provides information (URI, XML capabilities/description) for accessing the corresponding service/space. The service's API provides an interface information for accessing the service/content therein. The URI provides the address needed for communicating with and accessing the space service. The XML-specified capabilities of the device is inherently taken to include messaging protocol language information needed in order to operably send messages to the service space. These XML-specified capabilities are taken to be provided as part of the indication of the advertisement, even if the XML file is provided via an accessible URL. Cswl.com – upnp-devices speaks of proprietary messaging protocols put to use in communicating with the discovered devices, yet also provides an example of HP JetSend protocol as well as teaches the ability to use “some other standard”. Whatever protocol is needed to communicate with the device, it is taken to be specified in the XML description of the advertisement.

Regarding claim 15, 18, 42, the discovery request can include query options for specific types of spaces using the URI such as “/ietf/ipp/printer” in order to discover such printers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3622

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over cswl.com – upnp-devices .

Regarding claim 6, 34, it would have been obvious to have notified a client accessing a multifunction printer of the abilities/services for FAXing as well as printing, for example so that a client can fully use the services available.

Claims 5, 19, 25, 33, 43, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over cswl.com – upnp-devices in view of ssdp-v1-03 (Simple Service Discovery Protocol/1.0 – Operating without an Arbiter - <draft-cai-ssdp-v1-03.txt>, October 28, 1999).

Regarding claims 5, 25, 33, 49, cswl.com - upnp-devices describes the use of XML for communicating the service's capabilities to the lookup directory and interested clients. ssdp-v1-03 describes (4.3.2, 4.3.4) the idea of using XML for better/future implementation. Cswl.com – upnp-devices speaks of proprietary messaging protocols put to use in communicating with the discovered devices, yet also provides an example of HP JetSend protocol as well as teaches the ability to use “some other standard”. It would have been obvious to one of ordinary skill at the time of the invention to have provided any type of standardized (open or proprietary) language protocol to communicate with the discovered service space and it would have been

obvious to have provided any well known schema such as XML in order to message/command/communicate.

Regarding claim 19, 43, the SSDP protocol is described as using TCP/IP protocols which are used on the Internet. The search provided by the SSDP discovery requests can be therefore considered to be done by Internet search engine (lookup service). Further ssdp-v1-03 (2.3.1.2) contemplates the use of an Internet search engine which would have been obvious to have included with cswl.com - upnp-devices so that clients can find services across the Internet.

Response to Arguments

Applicant argues that cswl.com – upnp-devices fails to teach the advertisement including the language schema to use when communicating with the new device. The XML-specified capabilities of the device is inherently taken to include messaging protocol language information needed in order to operably send messages to the service space. These XML-specified capabilities are taken to be provided as part of the indication of the advertisement, even if the XML file is provided via an accessible URL. Cswl.com – upnp-devices speaks of proprietary messaging protocols put to use in communicating with the discovered devices, yet also provides an example of HP JetSend protocol as well as teaches the ability to use “some other standard”. Whatever protocol is needed to communicate with the device, it is taken to be specified in the XML description of the advertisement.

Conclusion

- a. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Mon-Fri 8a-5:30p, (work from home on Thursdays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc